REMARKS

The above amendments and following remarks are submitted in response to the pending Official Action of the Examiner mailed September 24, 2007. Having addressed all objections and grounds of rejection, claims 1-21, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

Claims 1-13 and 16-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2005/0005259, published in the name of Aver et al (hereinafter referred to as "Avery"). The ground of rejection is respectfully traversed for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH

EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). **The identical invention must be shown in as complete detail as is contained in the ... claim.**" *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir.

1989). (emphasis added)

The rejection is respectfully traversed because "the identical invention" is not shown by Avery "in as complete detail as is contained in the claims" as is required by MPEP 2131.

Applicants' invention as disclosed and claimed is a data processing system for efficiently accessing shared JavaScript objects within a multi-user environment by reducing the overhead required to maintain object/database property synchronization. A version is associated with each object to indicate whether any particular requested access is associated with the most current properties of the object. Each user has a version list which indicates whether any particular object properties need be updated before access. The version list is maintained in faster and more available memory than the actual object to enhance efficiency. The users of Applicants' invention are thus involved in and responsible for the maintenance of a data base.

In the preferred mode, an additional property is described in the physical data base table and corresponding property in the JavaScript table object. This property is referred to as the version property. The purpose of this property is to track the number of modifications made to its associated data base table.

The essential element is that JavaScript object implementation code be able to quickly compare the current version property value of the data base table to the version

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property value stored in the JavaScript object the last time the physical data base table properties were retrieved. If the values are the same, no refresh of he object's properties is required. If the values differ, they must be refreshed before proceeding with any table reference.

Unlike Applicants' invention which requires the user to be responsible for use of the appropriate version, Avery assigns that responsibility to synchronization management module 406 of Application Server 400 (see paragraph 0047). As a result of this difference in approach, there are significant difference in efficiency as detailed in Applicants' invention. For example, to determine whether an update is even required, Avery must compare "the current version of the data from the backend" with the "current version of the client data", because it does not have the claimed "version property" or claimed "version listing" (see paragraph 0047). In other words, Avery must actually compare the data to determine if an update is needed. Many further differences in structure become apparent upon analysis of the pending claims.

Claim 1, for example, has six basic elements. The first element is "an enterprise server containing a data base having a plurality of data objects". Instead of addressing this element, the Examiner improperly parses the claim element into a plurality of pieces. As such, the Examiner has found that "mobile server"

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106 is equivalent to the claimed "enterprise server". This finding is clearly erroneous, because "mobile server" is merely a communication interface between network 104 and backend systems 326 (see Fig. 3).

Furthermore, the Examiner clearly erroneously finds that database 120 is the claimed "data base" of "mobile server" 106. This is contrary to the teaching of Fig. 1 of Avery. Finally, the Examiner clearly erroneously finds that "mobile business objects" 312 are somehow the "business objects" mentioned in the first sentence of paragraph 0018. In doing so, the Examiner also attempt to imply that his finding of "business objects **(including data)**" is somehow supported by Avery, which it is not.

The second claimed element is "a version property associated with one of said plurality of data objects". Again, because Avery does not have the claimed element, the Examiner impermissibly attempts to fabricate it. In doing so, the Examiner states:

> Examiner asserts that "current version of the data from
> the backend" is equivalent with a "version property".

This statement is clearly erroneous on its face. It does significant injustice to both the English language and basic logic for the Examiner to allege equivalence between data and a property for defining data.

The statement is also improper as a matter of law. Whereas Applicants are expressly provided with the privilege of being their own lexicographer, the Examiner is not. He is absolutely obligated to utilize their definition without substituting his own definition founded in non-sense. It is respectfully suggested that the Examiner consult Applicants' disclosure, as required by controlling law, for a working definition of the term, "version property". For example, page 12, line 22, through page 13, line 20, provides a summary of the defined concept.

The third claimed element is "a terminal having a session which generates a request involving access to said one of said plurality of data objects". Because Avery does not disclose these limitations, the Examiner cites paragraph 0028, which has nothing to do with the claimed "session".

The fourth claimed element is limited by the claimed "version list" associated with the claimed session. Because Avery does not have the claimed "session" or the claimed "version property", it cannot have the claimed "version list" associated therewith. Thus, the Examiner again attempts to paraphrase the limitation and cites irrelevant material which does not address Applicants' invention.

Avery does not have the claimed "version property" or version list". Therefore, it cannot have the claimed "comparing means" of claim element five or the "update facility" of claim

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element six. As a result, the Examiner again cites irrelevant material to support his argument that the alternative synchronization approach of Avery is somehow the same as Applicants' claimed invention.

As a result of Avery having none of the six claimed elements of claim 1 and virtually none of the irrelevantly paraphrased elements, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed.

Claims 2 and 7 depend from claims 1 and 6, respectively, and are further limited by "wherein said user session further comprises a JavaScript object". Avery has no "JavaScript object" as claimed. Certainly, Avery does not have the claimed "session" as explained above. Therefore, the Examiner cites paragraph [0026] of Avery which parenthetically mentions "JavaScript" as a language but says nothing of the claimed "JavaScript object". The rejection of claims 2 and 7 is respectfully traversed.

Claim 3 depends from claim 2 and is further limited by "wherein each of said plurality of data objects has a separate version property associated therewith". Avery has no "plurality of data objects" and the Examiner has not even alleged that it does. As explained above, Avery has no "version property". Therefore, Avery cannot have the further limitations of claim 3. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and further limits the network

for coupling the claimed "user" or "requesting means" to the claimed "data base". Because Avery has neither the claimed "user" or the "data base", it cannot possibly meets the further limitations of claim 4. Therefore, the Examiner paragraphs 0007 and 0021 of Avery which shows the Internet coupling several "servers" together. This citation is legally irrelevant, because it does not address Applicants' claimed invention. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and is further limited by "wherein each of said version properties is stored within said data base". Avery does not have the claimed "data base" or the claimed "version property" and the Examiner does not allege that it does. Therefore, Avery cannot have the further limitations of claim 5. The rejection of claim 5 is respectfully traversed.

Claim 6 is an independent method claim having five steps as limiting elements. Avery is simply not pertinent to the claimed method, because it does not employ the claimed "version property" or the claimed "version list" to accomplish synchronization. Instead, Avery provides synchronization by comparing the actual data from the backend to the corresponding data at the mobile client. As a result, Avery cannot perform the steps of the claimed invention and therefore, the Examiner provides clearly erroneous findings of fact and clear errors of law, for the purpose of "manufacturing" and alleged case of anticipation.

For example, the Examiner again makes the clearly erroneous and legally incorrect assertion that "the current version of the data from the backend is equivalent with a version property". In addition, the Examiner makes legally irrelevant findings with regard to the claimed "preparing" step, because Avery has no "version list" as claimed and no "version property" as claimed.

Furthermore, the Examiner again clearly erroneously alleges that comparing backend data and client data is the same as comparing "version properties". Finally, because Avery has no "version list" as claimed, the Examiner clearly erroneously alleges that updating the data is the same as updating the claimed "version property".

Thus, having none of the claimed steps which limit claim 6, the rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

Claims 11-12 contain "means-plus-function" limitations which must be examined in accordance with MPEP 2181-2184. Clearly, this has not been done. In fact, claims 11-12 have not been examined at all. Therefore, the rejection of claims 11-12, and all claims depending therefrom, is respectfully traversed for failure to be examined.

Claims 7, 13, and 20 depend from claims 6, 12, and 19, respectively, and each has unique limitations. Nevertheless, the Examiner ignores the actual limitations of these claims and

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states, "Avery et al. discloses wherein a javascript object".
This statement is clearly erroneous, because Avery does not so
disclose. The Examiner cites paragraph 0026 which
parenthetically mentions JavaScript as a language but says
nothing of a "javascript object" as alleged". Furthermore,
because the Examiner's finding even if true (which they are not)
do not address the claimed limitations. Therefore, the rejection
of claims 7, 13, and 20 is respectfully traversed as based upon
clearly erroneous and legally irrelevant findings.

Claims 8 and 19 depend from claims 7 and 18, respectively,
and further limit the memory in which the claimed "version list"
is stored. Because Avery does not disclose the claimed "version
list" the Examiner makes a number of findings which are largely
incoherent, unsupported by the prior art of record, clearly
erroneous, and legally irrelevant. The Examiner states:

> Mobile client device 202 also includes a client device
> operating system 206 (e.g., Windows CE), native data
> storage 206 and cached data storage 210" (0027) and
> Examiner asserts that cache memory are always faster
> than other memory, "business objects" is presented to
> "version list" and further "Thick data, managing
> persistence of locally cached data, synchronizing the
> data with the mobile server when network connectivity
> is available and handling application upgrades and data

conversion requirements for version control" (0030) and

"local caching of business object is provided on the

mobile client device 202" (0031).

Applicants are not able to understand what the Examiner means by

this statement. However, it appears certain that the statement

has nothing to do with Applicants' claimed invention. The

rejection of claims 8 and 19 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the coupling

network. As explained above, Avery cannot meet the limitations

of claim 8 from which claim 9 depends. Therefore, Avery cannot

meet te further limitations of claim 9. The rejection of claim 9

is respectfully traversed.

Claim 10 depends from claim 9 and further limits the

"version property". Avery does not have the claimed "version

property" as discussed above. Therefore Avery cannot anticipated

claim 10. Thus, the rejection of claim 10 is respectfully

traversed.

Claims 14-15 have been rejected as unpatentable over Avery

in view of U.S. Patent No. 5,917,485, issued to Spellman et al

(hereinafter referred to as "Spellman". This ground of rejection

is respectfully traversed for failure of the Examiner to present

a *prima facie* case of obviousness as specified by MPEP 2143.

To make a *prima facie* case of obviousness, MPEP 2143

requires the Examiner to provide evidence and argument showing:
1)motivation to make the alleged combination; 2)reasonable
likelihood of success of the alleged combination; and 3)all
claimed elements within the alleged combination. The Examiner
has failed to make any of these three required showings.
Therefore, because the Examiner has not made a *prima facie* case
of obviousness, Applicants need not and indeed cannot offer
appropriate evidence and argument in rebuttal.

As to the requirement to show motivation, the Examiner
concludes:

> It would have been obvious at the time the invention
> was made to a person having ordinary skill in the art
> to modify Avery et al.'s system by using the Mapper
> data base management system in order to have data base
> management system in an efficient, multi-user
> environment and to enable the user to utilize either
> access technique, the logic for each individual
> assistance function for the stated purpose has been
> well known in the art as evidenced by teaching of
> Spellman (col. 2, line 28-38).

However, Avery has no data base management system at all.
Furthermore, the Examiner does not allege that it does.
Therefore, there can be no motivation *per se* for improve the

efficiency of Avery's data base management system by making it the claimed MAPPER system.

The Examiner does not venture any showing of reasonable likelihood of success as required by MPEP 2143. However, he could not do so, because of the readily apparent incompatibilities of Spellman and Avery.

Finally, the Examiner fails to show all of the claimed elements. In making his findings, the Examiner clearly erroneously states:

> Avery at al. discloses_wherein said requesting means further comprising (sic) an industry standard personal computer (i.e., "a mobile telephone, a handheld PDA (person Digital Assistant), a handheld computer, a laptop computer, or any other mobile computing device, etc. (0018).

None of the alleged mobile devices disclosed by Avery meets the requirement of MPEP 2131 to show the "identical invention in as complete detail as found in the claim". The rejection of claims 14-15 is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-21 being the only pending
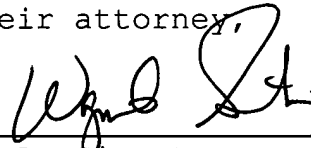
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claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,

Date December 21 2007

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